

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO: 08-196

v.

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SECTION: "F"

SHANON E. FRANK

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FACTUAL BASIS

If this case was to proceed to trial the Government would present credible testimony and reliable evidence to prove the following facts beyond a reasonable doubt;

Beginning in or about January, 2008 and continuing until at least January 24, 2008, Shanon E. Frank (Date of Birth: 1/27/1988); Bradford Wade (Date of Birth: 1/27/1988); and other known and unknown individuals conspired with each other to distribute and possess with intent to distribute quantities of heroin. This conspiracy included distributions of heroin to known individuals under 21 years of age. Between January 1, 2008 and January 24, 2008, Frank frequently assisted Wade in distributing heroin. Frank's assistance to Wade included providing transportation and contact with persons interested in purchasing amounts of heroin for consumption or further distribution. In

exchange for Frank's efforts in assisting Wade distribute heroin, Wade would routinely provide Frank amounts of heroin.

For example, on January 19, 2008, a known individual under 21 years of age, contacted Frank for the purpose of obtaining amounts of heroin. Following this contact, Frank, who was with Wade and another person, proceeded to the Marriott Hotel on Canal Street in New Orleans, Louisiana so Frank could meet with the known individual interested in obtaining heroin. Once at the hotel, Frank met with the known individual in the lobby bathroom where Frank provided approximately ½ ounce of heroin in exchange for \$100 in United States currency. After the exchange, Frank departed the hotel, rejoined Wade and the other person and departed the area.

After receiving the ½ ounce of heroin, the known individual under 21 years of age, proceeded up to a room in the hotel occupied by Pierce Sharai and several other people. Once in the room, the known individual under 21 years of age and Sharai each consumed portions of the heroin obtained from Frank. After a period of time Sharai laid down on a bed in the hotel room and passed out. Subsequently, individuals in the room attempted to revive Sharai but were unable to do so and called paramedics. Further attempts to resuscitate Sharai were unsuccessful and he was pronounced dead at the hotel. An autopsy revealed that Sharai died of acute visceral and cerebral congestion from the ingestion of heroin.

During this investigation F.B.I. agents working with cooperation of a cooperating witness purchased two strips of LSD from Frank for approximately \$180 on March 7, 2008.

Frank was later approached by agents investigating the death of Sharai and provided a voluntary, non-custodial statement. In that statement, Frank admitted meeting with a known individual under 21 years of age at the Marriott hotel in January, 2008 and distributing heroin for

money. Frank admitted being with Wade when he traveled to the Marriott and having received the heroin he distributed to the known individual in the Marriott from Wade. Frank later cooperated with agents by making a purchase of \$80 worth of heroin from Wade at the Walgreens drug store and Carrolton Avenue and Earhart Boulevard on March 18, 2008. This heroin purchase was made under the supervision of investigating agents and was preceded by recorded telephone calls between Wade and Frank.

As further evidence of Frank's relationship with Wade, on January 24, 2008, both Wade and Frank were arrested together in a car parked in Metairie, Louisiana as Frank was in the process injecting an amount of heroin into his body. Frank obtained the heroin from Wade. Frank was in the drivers seat and Wade was in the front passenger seat of the vehicle at the time they were approached by Jefferson Parish Sheriff's Deputies

In addition to the instances described above where Frank possessed or distributed drugs, Frank was arrested by the Jefferson Parish Sheriff's Office on October 21, 2006 for theft. As Frank was being processed for booking purposes, deputies seized a single foil of heroin that Frank spit from his mouth. Frank was also arrested by Jefferson Parish Sheriff's deputies on a separate occasion after he was found in possession of small amounts of heroin, xanax, marijuana and crack cocaine at the intersection of Focis and Dumaine Streets in Metairie, Louisiana on December 20, 2006. Also, on May 14, 2007, Frank was arrested by New Orleans Police Officers after being found in possession of amounts of heroin and associated paraphernalia consistent with the use of drugs at the intersection of Vicksburg Street and Robert E. Lee Blvd.

At trial the Government would introduce the amounts of heroin, LSD, and other drugs seized from Frank in connection with these investigations, the statements and admissions of Frank as well as the testimony of cooperating witnesses and investigating agents and other items of evidentiary value.

William J. Quinlan, Jr. (date)
Assistant United States Attorney

Franz Zibilich (date)
Attorney for Shanon E. Frank

Maurice E. Landrieu, Jr. (date)
Assistant United States Attorney

Shanon E. Frank (date)
Defendant